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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Discovery Land Company, LLC,  
Discovery Design, LLC, and Michael  
Meldman,

Plaintiffs,

vs.

Federal Insurance Company,

Defendant.

Maricopa County Superior Court Case  
No.: Case No.: CV2021-008701

**DEFENDANT FEDERAL  
INSURANCE COMPANY'S NOTICE  
OF REMOVAL; DECLARATION OF  
AMY M. SAMBERG**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant FEDERAL INSURANCE COMPANY ("Federal"), by and through its  
counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice of removal  
to the United States District Court for the District of Arizona of an action filed against

1 Federal in the Superior Court of the State of Arizona, in and for the County of Maricopa. In  
2 support of its Notice of Removal, Federal respectfully states the following:

3 **I. Federal's Notice of Removal is Timely**

4 1. On May 26, 2021, Plaintiffs Discovery Land Company, LLC ("DLC"),  
5 Discovery Design, LLC ("DD") and Michael Meldman ("Meldman") filed a complaint  
6 against Federal in the Superior Court of the State of Arizona, County of Maricopa, captioned  
7 *Discovery Land Company, LLC, Discovery Design, LLC, and Michael Meldman v. Federal*  
8 *Insurance Company*, case no. CV2021-008701 (the "Lawsuit"). Wilde Decl., ¶ 3 and **Ex.**  
9 **A** thereto.

10 2. On August 23, 2021, Federal waived service of the complaint. Plaintiff filed  
11 the waiver in the state court matter on August 24, 2021. *Id.* at ¶ 4 and **Ex. B.** thereto.

12 3. Federal's Notice of Removal is therefore timely under 28 U.S.C. § 1446, as it  
13 is filed within 30 days of service.

14 4. Attached, collectively, as **Ex. C** are true and correct copies of all other  
15 process, pleadings, and orders filed in the State Court Action: Current Court Docket, Notice  
16 of Appearance, Notice of Intent to Dismiss, Coversheet, Certificate of Arbitration and  
17 Summons.

18 5. Attached is the Supplemental Civil Cover Sheet.

19 **II. This Matter is Removable Because This Court Has Subject Matter Jurisdiction**  
20 **Pursuant to 28 U.S.C. § 1332**

21 **A. There is Complete Diversity of Citizenship**

22 6. According to paragraph 1 of the complaint filed in the state court matter,  
23 Plaintiff DLC is a Delaware limited liability company with its principal place of business at  
24 14605 N. 73<sup>rd</sup> Street, Scottsdale, AZ 85260. *Id.* at Ex. A, ¶ 1.

25 7. According to DLC's Application for Registration of a Foreign Limited  
26 Liability Company on file with the Arizona Corporation Commission, the only member of  
27 DLC is Meldman. *Id.* at ¶¶ 5-9, and **Ex. D** thereto.

1           8.       According to paragraph 3 of the complaint filed in the state court matter,  
2 Plaintiff Meldman is a resident of Nevada. *Id.* at Ex. A, ¶ 3.

3           9.       Because Meldman is a citizen of Nevada, his citizenship is also imputed to  
4 DLC, which is considered a citizen of Nevada for diversity purposes.

5           10.      According to paragraph 2 of the complaint filed in the state court matter,  
6 Plaintiff DD is a Delaware limited liability company with its principal place of business at  
7 14605 N. 73<sup>rd</sup> Street, Scottsdale, AZ 85260. *Id.* at Ex. A, ¶ 2.

8           11.      According to DD's most recent Annual Report on file with the Idaho Secretary  
9 of State, DD's business address is 14605 N. 73<sup>rd</sup> St., Scottsdale, AZ 85260, and its members  
10 are: (1) Joseph Arenson; (2) Ed Divita; (3) Michael Meldman; and (4) Schuyler Joyner. *Id.*  
11 at ¶¶ 10-11, and **Ex. E** thereto.

12           12.      Based on a public records search, Federal is informed and believes Mr.  
13 Arenson is a citizen of California. *Id.* at ¶ 12.

14           13.      Based on a public records search, Federal is informed and believes Mr. Divita  
15 is a citizen of California. *Id.* at ¶ 13.

16           14.      Based on a public records search, Federal is informed and believes Mr. Joyner  
17 is a citizen of California. *Id.* at ¶ 14.

18           15.      Based on the citizenship of its members, DD is a citizen of Nevada and  
19 California.

20           16.      According to paragraph 4 of the complaint filed in the state court matter,  
21 Defendant Federal is an Indiana corporation with its principal place of business in Indiana.  
22 *Id.* at Ex. A, ¶ 4. This allegation is only partially correct. Federal is an Indiana corporation  
23 but it's principal place of business is in New Jersey. *See* Federal's Rule 7.1 Disclosure and  
24 Answer at ¶ 4, both filed contemporaneously herewith.

25           17.      Because Plaintiffs are collectively citizens of Nevada and California, and  
26 Federal is a citizen of Indiana and New Jersey, complete diversity of citizenship exists as  
27 required by 28 U.S.C. § 1332.  
28

1           ***B. The Amount in Controversy Requirement is Satisfied***

2           18. Paragraph 8 of the complaint in the state court matter alleges “the amount in  
3 dispute is over \$300,000....” Wilde Decl., at Ex. A, ¶ 8.

4           19. Pursuant to 28 U.S.C. § 1332(a), the amount in controversy in this action  
5 therefore exceeds \$75,000.

6           ***C. This Action is Removable to the United States District Court for the***  
7           ***District of Arizona***

8           20. Because this civil action is between citizens of different states and the amount  
9 in controversy exceeds the sum or value of \$75,000, the United States District Court has  
10 original subject matter jurisdiction under 28 U.S.C. § 1332, and this matter is removable  
11 under 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

12           21. Removal to the United States District Court for the District of Arizona is  
13 appropriate because it is the district within which the state court action is pending. *See* 28  
14 U.S.C. § 1446(a).

15           22. In removing this action to the United States District Court for the District of  
16 Arizona, Federal does not concede that this Court has personal jurisdiction over it, nor does  
17 it concede that the Lawsuit was filed in the appropriate venue. Federal specifically reserves  
18 all of its defenses, including without limitation all defenses relating to jurisdiction and venue.

19           ***D. All Defendants Have Consented to Removal***

20           23. Federal is the only defendant in this matter. Therefore, all defendants have  
21 consented to removal.

22           **III. Filings and Notice**

23           24. As required by 28 U.S.C. § 1446(d), Federal will give written notice of the  
24 removal to all adverse parties and file a copy of the notice with the clerk of the state court.

25           25. As required by 28 U.S.C. § 1446(a), Federal has submitted herewith copies of  
26 all process, pleadings, and orders in the state court, attached as Exhibits A and B to the  
27 Samberg Declaration.  
28

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Dated: September 20, 2021

CLYDE & CO US LLP

By: s/ Amy M. Samberg  
Amy M. Samberg  
Ralph A. Guirgis  
Sean R. Simpson  
Michael S. Wilde  
Attorneys for Defendant FEDERAL  
INSURANCE COMPANY

**DECLARATION OF AMY M. SAMBERG**

I, Amy M. Samberg, declare and state as follows:

1. I am an active member in good standing of the State Bar of Arizona and am Equity Counsel with the law firm of Clyde & Co US LLP., counsel of record for Defendant ACEI am an attorney with Clyde & Co US LLP and I represent Defendant Federal Insurance Company (“Federal”).

2. This declaration is submitted in support of Defendant Federal’s Notice of Removal. I have personal knowledge of the facts stated in this declaration based upon information that I have obtained during my representation of Federal in the above-referenced matter. I can competently testify to these facts if called as a witness in these proceedings.

3. Attached hereto as Exhibit A is a copy of a complaint against Federal in the Superior Court of the State of Arizona, County of Maricopa, captioned *Discovery Land Company, LLC, Discovery Design, LLC, and Michael Meldman v. Federal Insurance Company*, case no. CV2021-008701.

4. Attached hereto as Exhibit B is a copy of a waiver of service executed by Federal on September 23, 2021.

Attached, collectively, as Exhibit C are true and correct copies of all other process, pleadings, and orders filed in the State Court Action: Current Court Docket, Notice of Appearance, Notice of Intent to Dismiss, Coversheet, Certificate of Arbitration and Summons.

5. On September 9, 2021, I accessed the public filings for Discovery Land Company, LLC (“DLC”) on the website of the Arizona Corporation Commission.

6. The Application for Registration of a Foreign Limited Liability Company for DLC on file with the Arizona Corporation Commission is attached as Exhibit D hereto.

7. Under section 6 of that document, it requires the applying entity to list “[t]he names and addresses of each person who is a member....” Ex. 1, p. 2.

8. The only person listed as a member is “Michael D. Meldman.” *Id.*

9. The later public filings do not reveal any change in the members of DLC.



**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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*Attorneys for Plaintiff*

/s/Brenda Uran